

## CVR BOARD MEETING MINUTES

May 21, 2008

Marlene Gonzales  
Michael Madsen  
Brent Scharman  
Rod Snow  
Louise Speth  
Karen Watkins

Ron Gordon  
Gary Scheller  
Liz Bennis  
JoAnn Huber  
Lori Radcliff  
Dana Thomas

Patti Jensen  
Connie Wettlaufer  
Chris Mitchell, CCJJ

Louise Speth convened the meeting at 3:00 p.m.

1. Minutes of the February 13, 2008 Board meeting were approved.
2. Review of Claims (Closed Meeting)  
**A motion was made by Louise Speth, seconded by Karen Watkins, to close the meeting for the review of claims. Motion passed. All in favor.**

A. Claim Number 157146

Lori Radcliff

Victim's attorney made a request for a full waiver of subrogation on this claim. To date CVR has paid \$7,695.20. The attorney would settle an outstanding medical bill from Dixie Regional Medical Center and reduce his fee from \$8,333.33 to \$6,815.00. **A motion was made and seconded to reduce CVR's lien by one half. Motion passed. All in favor.**

B. Claim Number 135239

Gary Scheller

A request for a reduction of subrogation was received from the victim's attorney. The Board did not have enough information to make a decision. Request tabled until Reparation Officer obtains more information from the attorney.

C. Claim Number 160958

JoAnn Huber

The family of the victim requested reimbursement of \$941 they had paid for two search and rescue flights. **After discussion, a motion was made and seconded to approve payment in the amount of \$941 to cover the cost of the November 2, 2007 and November 7, 2007 search and rescue flights. Motion passed. All in favor.**

D. Claim Number 157632

Liz Bennis

This victim of a DUI had no health insurance at the time of the incident and was only able to recover \$100,000 in liability insurance. Utah Valley Regional Medical Center filed a lien in the amount of \$168,531.

Victim's attorney indicates that the medical expenses exceed \$200,000 without regard to pain and suffering, lost wages and the permanent disability caused by the accident. **A motion was made and seconded to make the full CVR benefit award of \$50,000 available to the victim and waive all subrogation rights on this claim. Motion passed. All in favor.**

E. Claim Number 161019

Liz Bennis

This claim was presented for discussion of life insurance as a collateral resource. CVR has paid \$7,392.37. Upon learning that CVR considered the victim's life insurance policy a collateral resource and all crime related payments made by CVR would have to be paid back to the fund, the parents requested the claim be closed. They also requested the CVR Board waive subrogation on the total amount paid out on the claim.

**A motion was made and seconded to waive subrogation, to reopen the claim to cover funeral expenses, and to not consider the life insurance policy to be a collateral resource. Motion passed. All in favor.**

**A motion was made by Louise Speth, seconded by Brent Scharman, to reopen the meeting. Motion passed. All in favor.**

3. Rape in Utah Study Chris Mitchell  
Chris Mitchell, CCJJ Director of Research, presented the Board with a shortened version of the new 2007 Rape in Utah study. This study, a follow-up to the 2006 report, was funded by CVR Other Victim Services grant funds. All the surveyors were women who had been specially trained by UCASA on issues related to sexual assault. The main purpose of the report was to determine the real incidence of sexual assault in Utah. More than 1800 women over the age of 18 responded to the telephone survey. The results were very similar to the first survey. Of the 607 incidents noted in the study only 70 were reported to police. Seventy-five percent of the women were victimized before the age of 18 with most reporting they knew the perpetrator. Only 10 of the incidents occurred during the previous year. The report will now be presented to interested groups across the State.
4. CVR Fund Balance Update Ron Gordon  
Ron reported that the Trust Fund balance continues to drop. In January the balance was 7.5 million. Today it is at 6 million. CVR continues to fund 1.8 million of CCJJ's budget and \$750,000 of the DOC Diagnostic Units funding. At this point, CVR is not limiting benefit payments or putting new claims on a waiting list. During the last legislative session, the request to have CCJJ funding removed from CVR and put back to the General Fund was number twelve on the priority list. This is higher than ever before but not high enough to make the cut. The support of the Governor's office is needed to make this happen. Ron and CCJJ will push for the Governor's support during the summer and fall.
5. Medical Fee Schedule Ron Gordon  
Ron, Dr. Madsen and Chet Loftis met with a representative from the Utah Medical Association to discuss the implementation of a fee schedule. She was receptive to the idea but requested CVR do more research on the possible fee schedules and then contact her again. Ron, Gary, and Reparation Technician Dianne Snow met with PEHP representatives to obtain more detailed information on the PEHP fee schedules. PEHP Advantage and PEHP Preferred pay about the same amount to providers. Either of these would be fine. PEHP Preferred accommodates about 90% of Utah physicians. They also have a Midlevel Provider schedule that covers chiropractors and physical therapists. PEHP is willing to provide both these fee schedules for use by Crime Victim Reparations. The hospital fee schedules only involve four hospital networks and PEHP was not certain how the hospitals would feel about them releasing the schedules to CVR. They offered to contact the hospitals to try to get their permission. If the hospitals were willing PEHP would assist CVR in negotiating for an appropriate percentage with each of the four hospital networks. The Board ultimately will make the decision whether to use a fee schedule. The contacts were made to smooth the path so providers would not be alarmed when use of a fee schedule is implemented and refuse to treat CVR clients. This will be an agenda item for the August 27, 2008 meeting.

6. Loss of Support Rule

Gary Scheller

The Board discussed the Loss of Support rule in depth at a previous meeting. At that time they asked for a clearer definition of eligible recipient. Gary presented a draft rule proposal for Board consideration. Gary said the rule provides loss of support to minor children of the deceased victim but also includes an exception in subsection C for persons who are not minor children but were physically and financially dependent on the deceased victim. **A motion was made and seconded to approve the rule as written. Motion passed. All in favor.**

7. Relocation Rent Awards

Ron Gordon/Gary Scheller

At the February 13, 2008 Board meeting, the Board approved a change in the Rent Award administrative rule. The change would have opened the rent program to all eligible claimants, not only victims of domestic violence and/or child abuse. After the meeting, staff had reservations regarding the new rule and would like to go back to the current rule with a few changes. Gary explained that when the original rule was implemented CVR enlisted the help of the victim advocates. They helped the victims develop a safety plan and complete a Rent Application form. Gary said the rule change would eliminate the application process. Staff will obtain the documentation needed from the landlord and pay the rent in the same way CVR pays medical expenses by verifying the payment is going to the appropriate place and making the payment. A specialized form for rent approval would be sent to the victim. The total amount of the rent award would be \$1500 for up to two months rent. **A motion was made and seconded to approve the new draft rule as presented. Motion passed. All in favor.**

8. Subrogation Policy

Ron Gordon

This agenda item was tabled until the next meeting.

The next meeting is scheduled to be held on August 20, 2008.

The meeting was adjourned.